

## LABOUR DEPARTMENT

The 22nd September, 1979

No. 11(112)-3Lab/79/11255.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Bharatia Electric Steel Company Ltd., Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA; FARIDABAD

Reference No. 140 and 144 of 1979

between

THE WORKMEN AND THE MANAGEMENT OF M/S BHARTIA ELECTRIC STEEL  
COMPANY LIMITED, MATHURA ROAD, FARIDABAD.

Present—

Shri Ram Parkash, for the workmen.

Shri K. P. Agrawal, for the management.

## AWARD

By order No. ID/FD/2, dated 1st/2nd May, 1979 and ID/FD/18240, dated 3rd May, 1979, the Governor of Haryana referred the following dispute between the management of M/s Bhartia Electric Steel Company Limited, Mathura Road, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

(1) Whether the lock-out declared by the management with effect from 29th March, 1979, was justified and in order? If not, to what relief the workmen are entitled to?

(2) To what quantum of bonus the workmen are entitled to for the year 1978 under the Payment of Bonus Act, 1965?

On receipt of the order of references, notices were issued to the parties. The parties appeared. The workmen filed claim statement. Then the case was fixed for filing written statement. But on the date fixed the representatives for the workmen did not appear, nor any of the workmen appeared. The representative for the management stated that the dispute has been settled and he produced the settlement Exhibit MW-1 and prayed for an award in terms of the settlement. I, therefore, give my award in terms of the settlement Exhibit MW-1. The settlement shall form the award.

The 6th September, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 890, dated 14th September, 1979

Forwarded four copies along with four copies of the settlements to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

## Memorandum of settlement under section 12(3) of the Industrial Disputes Act, 1947

Name of the parties	.. M/s Bhartiya Electric Steel Co., Mathura Road, Faridabad and their workmen through Bhartiya Electric Steel Co. Mazdoor Union (Regd.), Faridabad.
Representing Management	.. 1. Shri Satish Jaiswal, General Manager. 2. Shri K. P. Aggarwal, Legal Adviser.
Representing Workmen	.. 1. Shri O. P. Rana, President. 2. Shri Vishwa Nath Chaudhry, Secretary. 3. Shri Kamla Prashad Yadav, Cashier.

## SHORT RECITAL OF THE CASE

Whereas the workers are alleged to have resorted to violence in the factory on 22nd March, 1979 followed by a complete strike.

Whereas the management placed under suspension a total of 45 workmen on charges of violence, assault etc.

Whereas the management declared lock-out with effect from 29th March, 1979 which was subsequently prohibited by the Government of Haryana.

Whereas in consequence to the said prohibition the lock-out was lifted on 5th May, 1979.

Whereas 150 workmen did not report for duty and thereafter resorted to strike which was later on joined by the remainder 54 workmen on 8th August, 1979.

Whereas certain disputes (list enclosed as Annexure 'A') are already pending adjudication before the Industrial Tribunal, Haryana, Faridabad.

Whereas the Deputy Labour Commissioner, Faridabad intervened in the matter and held several meetings with the parties.

Therefore the following settlement is hereby evolved:—

## TERMS OF SETTLEMENT

1. It is agreed by the parties that 41 suspended workmen (list enclosed as Annexure 'B') shall be taken back on duty in two lots. The first lot of 26 workmen (names appearing in Annexure 'B' from Sr. No. 1 to 26) shall report for duty on 27th August, 1979, whereas the remaining 15 workmen (whose names appear at Sr. No. 27 to 41 in Annexure 'B') shall report for duty on 5th September, 1979. Further the charge-sheets served against the 41 workmen aforesaid shall be withdrawn. The management, however, reserve the right to issue caution memos to 15 workmen as listed in Annexure 'B' from Serial No. 27 to 41.

2. It is further agreed between the parties that S/Shri Kamla Parshad, Setu Parshad, Teras Mehto and Deep Chand will be paid off and their dismissal will be converted into retrenchment. As a gesture of goodwill the management shall pay one month average pay for one completed year of service along with one month notice pay to all the above four workmen. In addition to this, these workmen shall also be paid all their earned wages, wages in lieu of unavailed leave with wages, if any and unpaid bonus, if any along with 10 days wages *ex-gratia*. In consideration of this payment the workmen agree that no other amount/dues of any kind is payable by the management and that they shall not raise any dispute for their reinstatement/re-employment.

3. It is also agreed between the parties that no bonus is admissible for the accounting year 1977. For the accounting period commencing 1978 (1st January, 1978 to 31st March, 1979) a total bonus of 13.40% calculated on 12 months wages shall be paid to all eligible employees on *pro-rata* basis in full and final settlement of bonus for the above period. Advance amount already paid to the employees shall be adjusted against this amount of 13.40%.

4. It is also agreed between the parties that no wages shall be paid for the strike and lock-out period.

5. It is also agreed by the management to pay an advance equivalent to one month wages to all workmen and that this advance amount shall be adjusted against their 15 weekly-off days working subject to availability of power for which no regular wages shall be paid, and no incentive scheme provisions on despatchable production shall apply. Workers undertake that there will be no absenteeism on these weekly-off days to make up the production loss suffered by the management in the lock-out period.

6. It is further agreed by the management that incentive scheme in consultation with 3 representatives of workers shall be formulated in the Company latest by 30th September, 1979, keeping a no-bonus limit base of 125 tonnes of despatchable production per month.

A uniform policy to issue uniforms to the workers shall also be evolved by 30th September, 1979.

7. It is also agreed by the workmen that the union will withdraw all the four pending references (Ref. No. 140, 144, 143 and 186 all of 1979) before the Industrial Tribunal, Haryana, Faridabad.

8. (a) It is further agreed between the parties that Shri Premashwar Yadav shall be paid off in full and final settlement as stipulated in para 2 so as to relinquish his right of reinstatement/re-employment, while Shri Ram Chhabila shall be re-employed with continuity of service but without wages for the period of unemployment.

(b) The dispute regarding reinstatement of Shri Wishwa Nath Chaudhry pending adjudication before Industrial Tribunal, Haryana, Faridabad, is hereby referred to the arbitration of Shri Dharmendra Nath, Deputy Labour Commissioner, Faridabad, whose decision shall be binding on the parties. Accordingly the parties shall move separate applications before the Industrial Tribunal, Haryana, Faridabad, for dismissal of the reference as withdrawn.

9. In the next place the parties agree that if a workman fails to join his duty latest by 12th September, 1979, it shall be presumed by the management that he has left the service of the Company of his own accord and has lost his lien on his appointment.

Lastly it is agreed between the parties that grievances of the workmen as and when they arise shall be redressed at the Plant level expeditiously. With this aim in view, the parties agree that all the grievances/complaints of the workmen including cases of termination of the service shall be referred to the General Manager through proper channel within a period of 15 days of arising of the complaint. The General Manager shall thereafter give his decision within a period of two weeks. In case the decision of the General Manager is not acceptable to the workmen or the decision does not come within the stipulated period the workmen may seek remedy available under any law in force.

The parties set their hands on this agreement in mutual goodwill and faith. The workmen/union undertake/s to maintain full discipline and optimum production in the Plant. They also undertake to have all their grievances/disputes resolved in a constitutional manner without ever resorted to violence. On the other hand the management also assure the workmen/union to continue to treat them impartially and judiciously.

Signatures of the representatives of the workmen :

1. (Sd.) . . .  
2. (Sd.) . . .  
3. (Sd.) . . .

Signatures of the representatives of the management :

1. (Sd.) . . .  
2. (Sd.) . . .  
3. (Sd.) . . .

Witnesses:

1. (Sd.) . . .  
2. (Sd.) . . .

Signed in my presence

(Sd.)  
Deputy Labour Commissioner,  
Faridabad.

Dated the 25th August, 1979.

## ANNEXURE 'A'

Disputes pending adjudication before Industrial Tribunal, Haryana.

Serial No.	Reference No.	Matter in dispute
1	144 of 1979	.. Regarding payment of Bonus for the year 1977
2	145 of 1979	.. Regarding re-instatement of Shri Permeshwar Yadav
3	140 of 1979	.. (i) Regarding Lookout declared from 29th March, 1979 (ii) Regarding payment of Bonus for the year 1978
4	186 of 1979	.. (i) Regarding Incentive Bonus Scheme (ii) Regarding supply of Milk and Gur
5	132 of 1979	.. Regarding re-instatement of Shri Bishwa Nath Chaudhry

## ANNEXURE 'B'

Serial No.	Name	Token No.
<b>First Lot</b>		
1	Chhedi Lal Bhagat	.. 59
2	Ram Dhani	.. 58
3	Sohit Bhagat	.. 119
4	Gorakh Nath	.. 141
5	Barma Shah	.. 313
6	Jhagru Prasad	.. 304
7	Sia Ram	.. 241
8	Krishna Singh	.. 321
9	Kaniya Prasad	.. 453
10	Moti Chand	.. 305
11	Dean Dayal	.. 310
12	Jagdev Prasad	.. 201
13	Ram Asrey-I	.. 202
14	Majister Prasad	.. 237
15	O. P. Rana	.. 523
16	Manager Singh	.. 326
17	Heera Ram	.. 214
18	Vishnu Dutt	.. 521
19	Raman Baitha	.. 256
20	Lakhmir Ahmed	.. 519
21	D. D. Rai	.. 120
22	Rajgir Prasad	.. 206
23	Kedar Prasad	.. 309
24	Jugal Ram	.. 153
25	Jogeshwar Prasad	.. 318
26	Nand Kumar	.. 252
<b>Second Lot</b>		
27	Ram Iqbal	.. 325
28	Amar Nath	.. 317
29	Dhrup Singh	.. 320
30	Shiv Shankar Chauhan	.. 228
31	Shiv Prasad Mehto	.. 209
32	Phuleshwar Prasad	.. 335
33	Bishwanath Kar	.. 253
34	Surinder Shah	.. 229
35	Nathu Prasad	.. 452
36	Bali Ram	.. 319
37	Kapil Dev Shah	.. 224
38	Basudev	.. 360
39	Ramayan Singh	.. 67
40	Manai Mehto	.. 341
41	Raj Kumar	.. 212